

**MINUTES OF THE MEETING  
OF THE BOARD OF  
RESPIRATORY CARE PRACTICE**

**January 19, 2006**

**CALL TO ORDER**

Bruce Couillard, Vice-Chairperson, called the meeting of the Board of Respiratory Care Practice to order at 9:05 a.m. Thursday, January 19, 2006, in Conference Room LL-B of the State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The meeting was duly publicized by distribution of the Notice of Meeting Agenda 10 days prior to the meeting.

**Roll Call**

The following Board members, HHSS Staff, and visitors were present at the meeting:

Bruce Couillard, Vice Chair  
Kay Lavene, Secretary  
Frank Freihaut, Professional Member  
Lon Keim, M.D., (Entered mtg. at 10:11 a.m.)

Diane Hansmeyer, Section Administrator  
Delores James, Credentialing Coordinator  
Marcia Wyrens, Respiratory Care practitioner  
Loretta Bennett, Investigator  
Duane Newland, Investigator (Entered mtg. at 9:10 a.m.)  
Steve Obrien, Investigator (Entered mtg. at 10:14 a.m.)  
Brad Shaff, Assistant Attorney General  
Don Stednitz, Respiratory Home Medical Equipment  
Dave Montgomery, Adm. Services (Entered at 11:00 a.m.)  
Mary Maahs Becker, Prog. Manager (Entered at 11:00 a.m.)  
Harold Borchart, Program Manager (Entered at 11:00p.m.)  
Mike Grutsch, Investigation Prog. Manager

**Adoption of the Agenda**

Freihaut moved, seconded by Lavene, to adopt the agenda. Voting aye: Couillard, Lavene and Freihaut. Voting nay: None. Absent and not voting: Keim. Motion carried.

**Approval of Minutes**

Freihaut moved, seconded by Couillard, to approve the minutes of the November 10, 2005 board meeting. Voting aye: Lavene, Freihaut and Couillard. Voting nay: None. Absent and not voting: Keim. Motion carried.

**SCOPE OF PRACTICE QUESTIONS**

**Phototherapy Follow-up by RC Practitioner (Attachment A)**

Don Stednitz, Coordinator for Children's Home Health Care, stated that Children's Home Healthcare is interested in utilizing the skills and knowledge of respiratory therapists to provide parental education, equipment set-up and monitoring of newborn infants receiving home phototherapy.

Home phototherapy for neonatal jaundice involves the continuous exposure of the neonate to ultraviolet light via a lamp in the home for a prescribed period of time. The ultraviolet light aids in reducing elevated bilirubin levels which can cause brain damage in infants. Home phototherapy for neonatal jaundice is medically appropriate for a term infant whose elevated bilirubin is not due to any primary hepatic disorder.

Currently the Nebraska Medicaid Provider Manual outlines the following requirements for home phototherapy: A minimum of one daily visit to the home by a licensed and/or certified health care professional as identified by the supplier in the "Coordination Plan" must include a brief home assessment; and collection and delivery of blood specimens for bilirubin testing when ordered by the physician to be collected in the home. The respiratory therapists would provide the following:

- a. A newborn cardiopulmonary assessment, a nutritional assessment to include number of voids and stools, weight, temperature, and brief home assessment.
- b. Collection and delivery of capillary blood specimens for bilirubin testing.
- c. Testing of parent or caregivers on proper function and use of the durable medical equipment for phototherapy.
- d. The respiratory therapists for follow-up visits would provide newborn cardiopulmonary assessment with each home visit as well as weight check and drawing blood from heel sticks to transport to the laboratory for diagnostic bilirubin levels to be reported to the physician.

Stednitz explained that respiratory therapists would receive competency training on the durable medical equipment prior to providing the service. The treatments take place over a three to four day period and the goal is to bring the bilirubin count down. He said that he came before the Board to explain the process and to see if a respiratory care practitioner could provide the assessments, the monitoring, and the administration of phototherapy?

Wyrens asked if phototherapy is also within some other professions' scope of practice because nurses usually provide these services. Stednitz explained that Nebraska Medicaid will not reimburse for in-home care or for nurse home visits. Nursing will say that this is within their scope of practice, but there is nothing that says that only a nurse can perform these services.

### **Phototherapy Motion**

After a discussion the Board decided that home phototherapy is within a respiratory care practitioner's scope of practice. Lavene moved, seconded by Couillard, that phototherapy setup and follow-up is within the scope of practice of respiratory care practitioners. This includes responsibilities for treatment, management, diagnostic tests and control and care of patients with deficiencies and abnormalities associated with cardiopulmonary assessments. Voting aye: Freihaut, Couillard and Lavene. Voting nay: None. Absent and not voting: Keim. Motion carried.

Don Stednitz, will be sent a letter regarding the action taken by the Board.

Stednitz left the meeting at 9:37 a.m.

**Auricular Therapy/Low Level Light Therapy**

Hansmeyer announced that Ms. Flexbeard was not able to attend the meeting to discuss auricular therapy/low level light therapy, therefore this subject will be added to the agenda for the next meeting.

Wyrens left the meeting at 9:38 a.m.  
Keim entered the meeting at 10:11 a.m.

**INVESTIGATIONAL REPORT(S) & LICENSURE APPLICATIONS (Closed Session)**

Couillard moved, seconded by Lavene, to move into closed session at 9:38 a.m. for the purpose of discussing investigational reports and licensure applications and to protect the reputation of individuals. Voting aye: Couillard, Lavene and Freihaut. Voting nay: None. Absent and not voting: Keim. Motion carried.

**Out of Closed Session**

Keim moved, seconded by Freihaut, to come out of closed session at 10:52 a.m. Voting aye: Keim, Couillard, Lavene and Freihaut. Voting nay: none. Not voting: None. Motion carried.

Recess 10:52 a.m.  
Reconvened at 11:00 a.m.

**PERIODIC REGULATORY EVALUATION**

**PROCESS DISCUSSION (PREP) (Attachment B)**

Dave Montgomery and Mary Maahs Becker met with the Board to discuss the Periodic Regulatory Evaluation Process (PREP) and how the Board would be involved in this process. Montgomery stated that the purpose of the study is to carry out studies related to the regulated health professions in order to administer to the State Board of Health and to cooperate with the Credentialing and Investigation Divisions. He said that the Administration Division also oversees the disciplinary hearings for persons the board takes action against.

Maahs Becker stated that she works across agency lines; often she coordinates the Credentialing projects and the PREP projects. Harold Borchard follows legislation and assist with PREP and 407 issues.

Montgomery thanked the Board for agreeing to participate in the PREP review. He stated that the goal is to make this a valuable and rewarding experience for the board and the profession. He asked for the name of a board member who would represent the Board and participate in the meetings. The first meeting will be held on February 15, 2006.

Maahs Becker stated that one of the comments on a pilot, which was done two years ago, is that the board should be a little more involved and should have the opportunity to provide more input into the process. She mentioned that one of the suggestions of a way to get this done is to interview the board members; therefore, she sent six questions to begin the discussion.

Montgomery said that they wanted to identify any specific or particular issue relating to the regulations of respiratory care that this Board would like to see the PREP committee work on. He noted that every profession is different with different issues and his staff would need to make sure that the issues important to the Board are addressed.

The board identified the following issues for discussion by the PREP Committee:

- The Board needs to update their scope of practice to clearly define what is within their scope of practice.
- Issues that address protection of the public.
- They would like to review the application process to see that all unnecessary questions are deleted, which would make this process shorter.
- Boards need a collaborative relationship with one another in order to keep informed of issues that affect other professions.
- Study the renewal process.
- Board composition, a need to have people from all parts of the state serve on the board and how board vacancies are filled.
- Location of the board meetings to give people from different parts of the state a chance to attend
- More training for lay/consumer members.
- Better relationship with the Nebraska Society for Respiratory Care.
- The responsibilities and duties of boards as well as associations. Because a lot of licensees get the two confused.

Freihaut will serve as the Board's representative on the PREP Committee.

Montgomery, Maahs Becker and Borchart left the meeting at 12:10 p.m.

#### **Closed Session**

Freihaut moved, seconded by Couillard, to move into closed session at 12:10 p.m. for the purpose of discussing confidential information and to protect the reputation of individuals. Voting aye: Freihaut, Couillard, Lavene and Keim. Voting nay: None. Not voting: None. Motion carried.

#### **Our of Closed Session**

Freihaut moved, seconded by Keim, to come out of closed session at 12:40 p.m. Voting aye: Couillard, Lavene, Keim and Freihaut. Voting nay: None. Not Voting: None. Motion carried.

#### **Licensure Motion**

Couillard moved, seconded by Freihaut, to issue licenses to the following people: Lamonte Drees, Jason Grubaugh, Janisha Rude, Joel Stille and Stacey Lynn Boner. Voting aye: Lavene, Keim, Freihaut and Couillard. Voting nay: None. Not voting: None. Motion carried.

#### **Dusty Packett**

Couillard moved, seconded by Freihaut, to delay issuance of a license to Dusty Packett until the following requirements have been met: Letters of recommendation from teachers and other people who are acquainted with her, and a letter from Dusty on how she has addressed issues on anger including what she has done since she was placed on the nursing aide registry. Voting aye: Keim, Freihaut, Couillard and Lavene. Voting nay: None. Not voting: None. Motion carried.

#### **Teresa Green**

Couillard moved, seconded by Freihaut to approve licensure for Teresa Green pending passing the licensure examination and receipt of the certification information from the state in which she

currently holds a license. Voting aye: Freihaut, Couillard, Lavene and Keim. Voting nay: None. Not voting: None. Motion carried.

## **NEW BUSINESS**

### **Reaffirmation of Mail Ballots**

Keim moved, seconded by Lavene, to reaffirm licensure for Milessa Jo Valez. Voting aye: Couillard, Lavene, Keim and Freihaut. Voting nay: None. Not voting: None. Motion carried.

### **Board/Staff Duties and Responsibilities (Attachment C)**

Keim moved, seconded by Couillard, to approve the board/staff duties and responsibilities. Voting aye: Lavene, Keim, Freihaut and Couillard. Voting nay: None. Not voting: None. Motion carried.

### **Complaint Screener/Inv. Consultant**

Keim moved, seconded by Freihaut, to appoint Bruce Couillard as the complaint screener and investigative consultant. Voting aye: Keim, Freihaut, Couillard and Lavene. Voting nay: None. Not voting: None. Motion carried.

### **Licensure Renewal Audit**

Freihaut moved, seconded by Couillard, to audit 5% of the respiratory care licensees during licensure renewal time. Voting aye: Freihaut, Couillard, Lavene and Keim. Voting nay: None. Not voting: None. Motion carried.

### **Fee Review (Attachment D)**

Hansmeyer gave the Board a worksheet for establishing total revenue needed for respiratory care, their balance from June-July 2005, a budget status sheet, as of December 31, 2005, and a budget status report for June 30, 2006.

### **Fee Motion**

The Board reviewed the base cost, variable cost formula for FY 07-08 and Couillard moved, seconded by Freihaut that the initial licensure and renewal fees will remain as they currently are. Voting aye: Couillard, Lavene, Keim and Freihaut. Voting nay: None. Not voting: None. Motion carried.

### **Number of Active Licenses**

There are currently 1,189 active respiratory care licenses and 30 were issued in 2006.

### **Election of Officers**

Lavene nominated Bruce Couillard for chairperson, seconded by Freihaut. Keim nominated Frank Freihaut for vice-chair, seconded by Lavene. Lavene nominated Lon Keim for secretary, seconded by Couillard. Lavene moved, seconded by Couillard, to close the nomination process and vote for Bruce Couillard for chairperson, Frank Freihaut as vice chair, and Lon Keim as secretary. Voting aye: Lavene, Keim, Freihaut and Couillard. Voting nay: None. Not voting: None. Motion carried.

## **MISCELLANEOUS**

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**Schedule Board Meetings**

The Board set the following board meeting dates: May 12, 2006 and January 12, 2007 at 9:00 a.m. at the State Office Building in Lincoln, Nebraska.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 2:24 p.m.

Respectfully submitted,

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Lon Keim, MD, Secretary

Prepared by: Delores James